



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SPN/HDM/CRH
F. #2018R01309

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 27, 2022

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al.
Criminal Docket No. 21-371 (S-1) (BMC)

Dear Judge Cogan:

The government respectfully writes to request a one-week adjournment of its deadline to file its in camera, ex parte submission pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. § App. 3. The government's submission is currently due on June 3, 2022, and the requested extension would reset that deadline to June 10, 2022.

As the government previously advised the Court, the above-referenced case implicates classified information. See Motion dated Oct. 29, 2021, Dkt. No. 54. The Court subsequently granted the government's request to file any CIPA Section 4 motion by June 3, 2022. See Minute Entry dated Jan. 5, 2022. Since that time, the government has completed its review of potentially discoverable classified information and has prepared a draft of its CIPA Section 4 memorandum for the Court's consideration. However, the government's submission must include not only the government's memorandum but also supporting declarations from senior government officials. See United States v. Abu-Jihad, 630 F.3d 102, 129 (2d Cir. 2010) (holding that CIPA filing must be filed with declaration of the "head of the department which has control over the matter, after actual personal consideration by that officer"). The memorandum and the supporting declarations must be approved within the Department of Justice and finalized for submission to the Court. The government has been advised by officials within the Department of Justice that, due to unforeseen circumstances, they will need an additional week beyond the current deadline to provide the necessary approvals.

The government has proceeded, and will continue to proceed, with other pre-trial matters in this case without delay, including continuing to review and produce unclassified discovery to the defendants.

For all of these reasons, the government respectfully requests that the Court adjourn the deadline for the government to file its submission pursuant to CIPA Section 4 from June 3, 2022 to June 10, 2022.

Respectfully submitted,

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